

REMARKS

This paper is filed before October 29, 2004, the shortened statutory period for reply, and does not include any additional claims. Thus, applicants respectfully submit that this paper is timely filed and no additional fees are required with respect to this amendment.

I. STATUS OF THE AMENDMENT

As of the Final action mailed July 29, 2004, claims 1-17 stand finally rejected in the instant application. By this amendment independent claims 1 and 8 have been amended, no new claims have been added, and no existing claims have been canceled. Applicants assert that no new matter has been added, and that these claims have been amended to further claim the subject matter of applicants' invention. Thus, claims 1-17 remain pending and at issue in this application.

II. INTERVIEW SUMMARY

Applicants wish to thank Examiner Ali for participating in a teleconference with the applicants' attorney Roger Heppermann on Tuesday, October 5, 2004. During the course of the interview, the patentable features of the invention were discussed, and clarifying claim terms were agreed upon. The claims have been amended to reflect the agreed upon clarifying terms. In addition, the prior art references were discussed and distinguished.

III. REJECTIONS UNDER 35 U.S.C. §102 AND 103

Applicants respectfully traverse the rejection of claims 1-17 as anticipated by or obvious over Coronel et al. (U.S. Patent No. 6,363,294, hereinafter "Coronel") in view of one or more of Hohkibara et al. (U.S. Patent No. 6,438,436, hereinafter "Hohkibara"), and Cartsonis et al. (U.S. Patent No. 6,584,501, hereinafter "Cartsonis").

Amended independent claim 1 recites, in relevant part, a history executive element for receiving process event information from one or more input sources operating in physical elements of a process and batch procedure event information from a batch control device, wherein the batch control device is separate from the physical elements of the process. Similarly, amended independent claim 8 recites a means for retrieving batch procedure event information from a batch control device and process event information from one or more sources operating separate from the batch control device in a process. Both claims 1 and 8 further recite automatically deriving relationships among portions of said process event information and batch procedure event information. In other words, the history executive element and retrieving means receive different event information, e.g., process or batch procedure event information, from different devices within the process and automatically derives relationships between the different event information.

A *prima facie* case of obviousness¹ has not been established because none of the cited references, either alone or in combination, teaches or suggests all of the claimed limitations. In particular, none of the references discloses receiving both process and batch procedure event information from different devices within a process and automatically deriving relationships between the different event information. Coronel discloses comparing the real-time measured batch data received from a process device to a stored set of process data, i.e., a set of golden process data,

¹ To establish a *prima facie* case of obviousness, three basic criteria must be met:

- (a) First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.
- (b) Second, there must be a reasonable expectation of success.
- (c) Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

received from the same process device. As the examiner acknowledged, the real-time measured batch data and the golden batch data constitute the same data measured at or in the same device, or devices, within the process but at different times. By way of contrast, the claimed process event information and batch procedure event information represent different aspects of the process and are received from different devices within the process possibly at the same time. Because Coronel does not disclose or suggest that it would be possible, or even desirable, to collect different event information from different devices within the process and derive relationships therebetween, Coronel cannot render claims 1-17 anticipated or obvious.

Hohikibara and Cartsonis do not supply the teaching lacking in Coronel. In particular, Hohkibara discloses the use of Gantt charts for organizing work shifts, while Cartsonis discloses a computer network data traffic analyzer. Because none of these references discloses, or even suggests, automatically deriving relationships between different event information received from different devices within the process, these references cannot be combined or modified to establish a *prima facie* case of obviousness. For these reasons, applicants respectfully submit that claims 1-17 are not anticipated or rendered obvious by the cited references, either alone or in combination.

IV. CONCLUSION

For these foregoing reasons, applicants submit the application is in condition for allowance. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855 (06005/36359).
Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Respectfully submitted,

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